

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 18-17604</b>
<b>Ross E. Baker</b>	:	<b>Chapter 13</b>
	:	<b>Judge Magdeline D. Coleman</b>
<b>Debtor(s)</b>	:	<b>*****</b>
	:	
<b>Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto</b>	:	<b>Date and Time of Hearing</b>
	:	<b>September 22, 2020 at 10:30 a.m.</b>
<b>Movant,</b>	:	
<b>vs</b>	:	<b>U.S. Bankruptcy Court</b>
	:	<b>900 Market Street, Courtroom #2</b>
<b>Ross E. Baker</b>	:	<b>Philadelphia, PA, 19107</b>
<b>Meaghan Maureen Baker</b>	:	
	:	
<b>William C. Miller, Esq.</b>	:	
<b>Respondents.</b>	:	

**MOTION OF WELLS FARGO BANK, N.A., D/B/A WELLS FARGO AUTO FOR  
RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY REGARDING  
THE PERSONAL PROPERTY KNOWN AS 2014 FORD FOCUS, VIN #  
1FADP3K20EL317849**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay and from the Co-Debtor Stay pursuant to 11 U.S.C. § 362, 11 U.S.C. § 1301, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On May 3, 2016, Ross Baker (the "Debtor") and Meaghan Maureen Baker (the "Co-Debtor") obtained a loan from Wells Fargo Dealer Services in the amount of \$14,791.43 for the purchase of a 2014 Ford Focus VIN# 1FADP3K20EL317849 ("Collateral"). Debtor agreed to make periodic payments in the amount of \$298.45 to Wells Fargo Dealer Services. Such loan was evidenced by a Retail Installment Sale Contract Simple Finance Charge (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. To secure payment of the Contract, Debtor delivered the Lien and Title Information for a Vehicle to the Collateral to Creditor or Creditor's predecessor-in-interest. On or about May 10, 2016, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Lien and Title Information for a Vehicle along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the electronic title inquiry is attached hereto as Exhibit B (the "Title").
7. Creditor believes the value of the Collateral \$7,025.00 based upon NADA, a copy of which is attached hereto as Exhibit C.
8. On November 15, 2018, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").
9. There are no claimed exemptions against the vehicle on Schedule C.

10. Post-petition payments have not been received, therefore no post-petition payment history is attached.
11. Debtor's Chapter 13 Plan calls for the Debtor to retain the Vehicle.
12. Debtor and Co-Debtor have failed to make full post-petition payments for the past 21 months as of August 13, 2020 and is in default in the amount of \$6,249.78.
13. The loan was charged off on February 15, 2019 and the full balance is now due.
14. As of August 13, 2020, there is currently due and owing on the Contract the outstanding principal balance of \$10,616.17. This amount is broken down as follows:

<b>Total Loan Balance</b>	
<b>Description</b>	<b>Amount</b>
Charge Off Balance	\$10,616.17
Charge Off Interest Due	\$458.60
Escrow advance	\$0.00
Charge Off Late Charge Due	\$17.67
Other Fees	\$0.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$11,092.44	

15. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies to repossess and sell the Collateral.
16. Creditor is entitled to relief from the automatic stay for the following reason(s):
  - a. Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due.
  - b. Debtor and Co-Debtor have no equity in the Collateral, and the Debtor does not need the Collateral for an effective reorganization pursuant to 11 USC § 362(d)(2). Debtor's outstanding balance exceeds the value of the Collateral.

Based upon the lack of equity in the Collateral, Creditor asserts that the Collateral is burdensome and/or of inconsequential value and benefit to the estate.

WHEREFORE, Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto respectfully requests this Honorable Court to enter an order terminating the Automatic stay and the Co-Debtor Stay as it affects the interests of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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**Ross E. Baker** :  
**Meaghan Maureen Baker** :  
:  
**William C. Miller, Esq.** :  
**Respondents.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay and Co-Debtor Stay was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

William C. Miller, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105,  
ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Ross E. Baker, Sadek and Cooper, 1315 Walnut Street, Suite 502,  
Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on  
August 24\_\_\_\_\_, 2020:

Ross E. Baker and Meaghan Maureen Baker, 1546 Webber Drive, Linwood, PA 19061

DATE: August 24, 2020

/s/ Karina Velter  
Karina Velter, Esquire (94781)

Adam B. Hall (323867)  
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The case attorney for this file is Karina  
Velter.  
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